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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,108	05/05/2004	Martin Weel	1116-064	9463
71739 7590 02/27/2009 CONCERT TECHNOLOGY AND WITHROW & TERRANOVA 100 REGENCY FOREST DRIVE , SUITE 160 CARY, NC 27518				
EXAMINER				
DAFTUAR, SAKET K				
ART UNIT		PAPER NUMBER		
2451				
MAIL DATE		DELIVERY MODE		
02/27/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/840,108

Applicant(s)

WEEL, MARTIN

Examiner

SAKET K. DAFTUAR

Art Unit

2451

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2009.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-18, 31, 32, 34-44 and 50-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-18, 31, 32, 34-44 and 50-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/30/09
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 30th, 2009 has been entered. Claims 11-18, 31-32, 34-44 and 50-55 are presented for the further examination.

Response to Arguments

2. Applicant's arguments with respect to claims 11-18, 31-32, 34-44 and 50-55 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 11-18, 31-32, 34-44 and 50-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson US Patent Number 6,456,234 B1 (hereinafter Johnson).

As per claim 11, Johnson discloses broadcasting a signal [see figure 5A-5B, see column 12, lines 12-41] from the first device [controller, server, administrator, communicating with wireless devices via the base stations, see column 8, lines 6-65] operative to be received by one or more second devices the signal including a request for a identifiers (see column 6, line 55 - column 7, line 41); receiving, at the first device, at least the identifier from the one or more second devices in response to the request (see column 6, line 55 - column 7, line 41); selecting, at the first device, at least one desired location identifier from the at least one location identifier received from the one or more second devices in response to the request (see figure 5A-5B, see column 12, lines 12-41, the cell controllers selects the strongest signal and extract unique identifier from the return signal); transmitting from the first device a password [administrator's authorization ID, whereas authorization ID for example could be a password for user identifier (see column 14, line 18-32) , searched in deliverable content database records against the authorization ID field discloses that each content is transmitted to database with administrator or controller authorization ID] associated with one desired location identifier (see figure 14, column 22, line 30 – column 23, line 17); and in response to transmitting the password associated with the at least one desired location identifier(see column 14, line 18-32), receiving at the first device at least one device identifier identifying a device associated with the identifier (see figure 14, column 22, line 30 – column 23, line 17).

As per claim 12, Johnson discloses the location identifier comprises a name associated with one of a physical realm and a logical realm (see figures 1-10).

As per claim 13, Johnson discloses selecting, at the first device, the at least one device identifier identifying the device associated with the at least one desired location identifier, and controlling the device associated with the at least one desired location identifier (see figure 5A-5B, see column 11, line 12 - column 12, line 41, the cell controllers selects the strongest signal and extract unique identifier from the return signal).

As per claim 14, Johnson discloses the device associated with the identifier comprises one or more second device (see figure 5A-5B, see column 11, line 12 - column 12, line 41, the cell controllers selects the strongest signal and extract unique identifier from the return signal).

As per claim 15, Johnson discloses controlling the device associated with the one desired location identifier comprises causing the device associated with the desired location identifier to render at least a portion of a media item (see figure 5A-5B, see column 11, line 12 - column 12, line 41, the cell controllers selects the strongest signal and extract unique identifier from the return signal).

As per claim 16, Johnson discloses controlling the device associated with the identifier further comprises transferring a media item from the device associated with the identifier to the first device (column 6, line 55 – column 8,

line 65 , see figure 5A-5B, see column 12, lines 12-41 see figure 14, column 22, line 30 – column 23, line 17, see column 13, lines 55-61).

As per claim 17, Johnson discloses the broadcasting a signal comprises broadcasting a signal from a first device operative to be received by a plurality of second devices, wherein each of the plurality of second devices is operatively connected to a same local area network (see column 8, lines 6-65).

As per claim 18, Johnson discloses the broadcasting a signal comprises broadcasting a signal from a first device operative to be received by a plurality of second devices, wherein each of the plurality of second devices is operatively coupled to a network selected from the group consisting of a local area network, a wide area network, a remote local area network, a wireless network, a cellular phone network, and the Internet (see column 8, lines 6-65).

As per claims 31-32 and 34-39, they do not teach or further define over the limitation as recited in claims 11-18, Johnson discloses therefore, claims 31-32 and 34-39 are rejected under same scope as discussed in claims 11-18, *supra*.

As per claim 40, Johnson discloses the first device comprises at least one of a PDA [PDA], a palmtop computer, a laptop computer [laptop], and a cellular telephone (column 6, line 55 – column 8, line 65).

As per claim 41, Johnson discloses wirelessly broadcasting, on a first device, a ID (column 6, line 55 – column 8, line 65 , see figure 5A-5B, see column 12, lines 12-41); wirelessly receiving, on a second device, the ID (column

6, line 55 – column 8, line 65 , see figure 5A-5B, see column 12, lines 12-41);entering, on the second device, a password associated with the ID(column 6, line 55 – column 8, line 65 , see figure 5A-5B, see column 12, lines 12-41 see figure 14, column 22, line 30 – column 23, line 17);effecting the playing of a media item on the first device by the second device (column 6, line 55 – column 8, line 65 , see figure 5A-5B, see column 12, lines 12-41 see figure 14, column 22, line 30 – column 23, line 17, see column 13, lines 55-61).

As per claims 42-43, they do not teach or further define over the limitation as recited in claims 17-18, Johnson discloses therefore, claims 42-43 are rejected under same scope as discussed in claims 17-18, supra.

As per claim 44, Johnson discloses the wide area network comprises the Internet (see figure 14, column 22, line 30 – column 23, line 17, see column 13, lines 55-61).

As per claims 50-55, Claims 50-55 are method claims of claims 11-18. Except for display device and server devices they do not teach or further define over the limitation as discussed in claims 11-18. Therefore claims 50-55 are rejected under same scope as discussed in claims 11-18 wherein Johnson does discloses a display device displaying, on the first device (see column 17, lines 25-50) and server devices coupled to the communication network for transmitting and receiving media content (see column 8,lines 6-65)

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Dynamic Streaming Media Management by O'Rourke et al. US Patent Number 6,990,497 B2.

b. Streaming Media Delivery on Multicast Networks for Network and Server Bandwidth Minimization and Enhanced Personalization by Weber et al. US Patent Number 7,020,710 B2.

6. A shortened statutory period for reply to this action is set to expire THREE MONTHS from the mailing date of this action. Failure to respond within the period for response will result in ABANDONMENT of the applicant (See 35 U.S.C 133, M.P.E.P 710.02,71002 (b)).

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAKET K. DAFTUAR whose telephone number is (571)272-8363. The examiner can normally be reached on 7:00 - 3:30pm M-W.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. K. D./
Examiner, Art Unit 2451

/John Follansbee/
Supervisory Patent Examiner, Art Unit 2451